

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

STEPHEN McCOLLUM and SANDRA §  
McCOLLUM, individually, and §  
STEPHANIE KINGREY, individually and §  
as independent administrator of the §  
ESTATE OF LARRY GENE §  
McCOLLUM, §  
Plaintiffs, §  
§  
v. §  
§  
BRAD LIVINGSTON, et al., §  
Defendants. §

CIVIL ACTION NO. 4:14-cv-03253

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**DEFENDANT UTMB'S UNOPPOSED MOTION FOR AN EXTENSION  
OF THE DISPOSITIVE MOTION DEADLINE**

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Defendant, the University of Texas Medical Branch, files this unopposed motion for an extension of the dispositive motion deadline. In support thereof, the UTMB shows as follows:

On August 26, 2015, this Court entered a scheduling order stating dispositive motions shall be filed no later than March 7, 2016. D.E. 249. Then, on February 12, 2016, the dispositive motion deadline was extended by sixty (60) days. The deadline for dispositive motions is currently set for May 6, 2016. UTMB now seeks a twenty-eight (28) day extension.

On March 24, 2016, Plaintiffs indicated their intention to take the depositions of three UTMB employees, which have been scheduled for April 27<sup>th</sup>, and May 6<sup>th</sup> and 18<sup>th</sup>, based on the parties' and the lawyers' availability. The extension will accommodate those depositions, as well as provide adequate time to prepare dispositive motions after those depositions are taken. This request is not sought for the purposes of delay, but so that justice may be done.

### **Conclusion**

UTMB, therefore, respectfully requests the Court grant their motion seeking a twenty-eight day extension of the dispositive motion deadline, so depositions may be accommodated, extending the deadline to June 3, 2016.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT**  
**UNIVERSITY OF TEXAS MEDICAL**  
**BRANCH**

**CERTIFICATE OF CONFERENCE**

By my signature, I certify that Assistant Attorney General J. Lee Haney conferred with counsel for Plaintiffs, Jeff Edwards, in person at the deposition of George Crippen in Conroe, Texas on March 24, 2016. Depositions were tentatively scheduled for April 25<sup>th</sup> and 27<sup>th</sup>, and May 5<sup>th</sup> and 6<sup>th</sup>. Based on those tentative dates, Mr. Edwards also confirmed that Plaintiffs were unopposed to the extension requested, to May 20, 2016, via e-mail on March 25, 2016. However, to accommodate Plaintiff counsel's schedule, the deposition of Dr. Danny Adams has been scheduled for May 18, 2016. Due to this deposition date, Plaintiff's counsel, Scott Medlock, conferred with AAG J. Lee Haney on April 11, 2016 via telephone, and agreed to an extension of the dispositive motion deadline to June 3, 2016.

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**HEATHER RHEA**  
Assistant Attorney General

**NOTICE OF ELECTRONIC FILING**

I, **Heather Rhea**, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a correct copy of the foregoing in accordance with the Electronic Case Files System of the Southern District of Texas, on April 11, 2016.

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**HEATHER RHEA**  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I, **Heather Rhea**, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served on all counsel of record via electronic mail on April 11, 2016, as authorized by Fed. R. Civ. P. 5(b)(2) and in accordance with the electronic case filing procedures of the United States District Court for the Southern District of Texas.

/s/ Heather Rhea  
**HEATHER RHEA**  
Assistant Attorney General